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Elobbie Garcia
Permitting and Enforcement Division
California Integrated Waste Management Board
1001 "I" Street, MS 16
PO Box 4025
Sacramento, California 95812-4025

Subject: Comments Regarding Permit Implementation Regulations – 60-Day
Comment Period.

Dear Ms. Garcia:

I am an environmental health professional who has worked in the solid waste field for more than 14 years and have extensive experience in the solid waste facility permitting process. I have reviewed the Permit Implementation Regulations and provide the comments identified below.

Significant Change

1. I recommend keeping the sections identified here (a. – d.) as they simply and adequately provide a definition for significant change without conflict or confusion.
 - a. Section 21563(5) – definition of "nonmaterial change"
 - b. Section 21563(6) – definition of "significant change"
 - c. Section 21665 – defines when a proposed change requires an RFI amendment, modified solid waste facility permit (SWFP), or a revised SWFP.
 - d. Section 21665 – provides the Decision Tree that incorporates the above referenced sections into a decision process to identify whether a change in operation or design is an RFI amendment or a Modified or Revised permit action.
2. I recommend that all language referring to the Minor Change List, Optional Minor Change List, and Significant Change List (Sections 21620(a)(1)(D) and 21620(a)(4)) be removed from the proposed regulations.
 - a. The proposed changes identified in the lists may be significant or non-significant depending on the type of operation or facility, existing site-specific conditions in the SWFP and its supporting documentation (including

the CEQA documents), location, etc. The lists cannot be consistently applied to all facilities and could lead to confusion and conflict between the operators, LEAs and California Integrated Waste Management Board (CIWMB) staff.

- b. The permitting process is the responsibility of the LEA and the ability of the LEA to make discretionary decisions is key. The use of these lists would minimize the ability of the LEA to make necessary permit decisions that are beneficial to the operator, the CIWMB and the LEA. As permits are site specific, the lists could also limit the options available to operators in the permitting process.
- c. If these lists provide a useful tool in assisting LEAs to determine significant changes, they should be provided in an LEA Advisory or other guidance document that allows for the needed flexibility in the permitting process. Do not include them as inflexible regulation.

Informational Hearings and Noticing Requirements


1. The Noticing requirements for RFI amendments and Modified SWFPs include providing information for the availability of appeals pursuant to Public Resources Code (PRC) section 44307. This section of the PRC refers to a challenge that a SWFP imposes conditions that are inappropriate, as contended by the applicant. This language should be removed.
2. The Noticing requirements for Informational Meetings for Revised SWFPs include providing information for the availability of appeals pursuant to PRC section 44307. The purpose for this meeting is to inform the public of a permit revision. No decision is made at this meeting. Why would we include the appeal process? This notification is provided to the applicant when the LEA has sent the proposed SWFP to the CIWMB for concurrence. This language should be removed.

RFI Amendments

1. Section 21666 (c) addresses the approval and denial of RFI amendments. In cases where some of the amendments meet the requirements for approval and others do not, will the LEA still be able to approve those amendments that do meet the requirements or does the whole application package need to be denied?

Thank you for the opportunity to comment on the proposed regulation package. Should you have any questions, please contact me at (925) 687-5435.

Sincerely,


Lori Braunesreither, REHS

cc: Bay Area LEA Roundtable
Enforcement Advisory Council